## U.S. Consumer Product Safety Commission



## Small Batch Manufacturers: Registration with the CPSC and Limited Relief from Third Party Testing

Presentation to the Real Diaper Industry Alliance (RDIA) January 24, 2012 Neal S. Cohen, Small Business Ombudsman

Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission.

#### SMALL BATCH MANUFACTURERS

Public Law 112-28 (August 12, 2011)

www.cpsc.gov/smallbatch

- Public Law 112-28 (August 12, 2011)
- Commission must consider alternative testing requirements or provide exemptions for <u>certain</u> children's product safety rules. Small Batch Manufacturers
- October 26, 2011 Public Hearing
- Currently, no third party testing is required in the following circumstances and for the following rules:

#### Income

Total gross revenues from the prior calendar year (e.g., calendar year 2011 sales to qualify for calendar year 2012) from the sale of all consumer products is \$1 million or less.

"Consumer products" includes both children's products and non-children's products even though third party testing requirements apply only to children's products.

\$1 million or less threshold include revenues from the sale of consumer products by other businesses the registering company controls, is controlled by, or with which it is under common control.

#### **Covered Product**

A covered product means a consumer product manufactured by a small batch manufacturer where no more than 7,500 units of the same product were manufactured in the previous calendar year (*i.e.*, calendar year 2011 sales for calendar year 2012 qualification.)

#### **Importers**

Both the importer and the manufacturer of the covered product meet the revenue and unit criteria for small batch manufacturers.

Must ALWAYS third party test for the following children's product safety rules (Group A):

- Lead-in-paint and other surface coatings, 16 CFR ?1303;
  - •Full-size cribs and non-full-size cribs, 16 CFR ??1219, 1220;
  - •Pacifiers, <u>16 CFR ?1511;</u>
- Small parts for children under 3 years of age, 16 CFR ?1501;
  - •Children's metal jewelry, Sec. 101(b) of the CPSIA, as amended by P.L. 112-28; 15 USC 1278a(b)(7);
  - •Baby bouncers, walkers, and jumpers, 16 CFR ?1500.18(a)(6) and 16 CFR ?1500.86(a);
  - •Infant bath seats, 16 CFR ?1215;
  - •Infant walkers, 16 CFR ?1216;
  - •Toddler beds, 16 CFR ?1217; and
- •Other durable infant or toddler products, as additional children's product safety rules are enacted, 15 U.S.C. 2056a(f), Sec. 104 of the

Qualifying small batch manufacturers are <u>NOT</u> required to third party test for the following children's product safety rules (Group B):

- •ASTM F963-08 Toy Safety Standard;
- •Total Lead Content in Children's Products, Sec. 101 of the CPSIA;
- •Ban on certain phthalates in children's toys and certain child care articles, Sec. 108 of the CPSIA;
- •Bicycle helmets, 16 CFR ?1203;
- •Bunk beds, 16 CFR ?1213/?1513;
- •Rattles, <u>16 CFR ?1510</u>;
- •Dive sticks, <u>16 CFR ?1500.86</u>;
- •Bicycles, <u>16 CFR ?1512;</u>
- •Carpets and rugs, <u>16 CFR ?1630</u> and <u>?1631</u>;
- •Vinyl plastic film, 16 CFR ?1611;

- Wearing apparel, 16 CFR §1610;
- Clacker balls, 16 CFR §1500.86;
- Children's sleepwear, 16 CFR §1615 and §1616;
- Electronically operated toys, <u>16 CFR</u> <u>§1505</u>;
- ATVs, 16 C.F.R. §1420; and
- Mattresses, 16 CFR §1632.

# SMALL BATCH MANUFACTURERS: REGISTRATION REQUEST

www.SaferProducts.gov www.cpsc.gov/smallbatch

## Small Batch Manufacturer Registration Request: **SaferProducts.gov**



### Small Batch Manufacturer Registration Request: **SaferProducts.gov**

CPSC.gov

SaferProducts.gov

PoolSafely.gov

Recalls.gov

ATVsafety.gov

SaferProducts.gov







About

Questions

#### Small Batch Manufacturer's Registry Information

Use this registry to identify yourself as a Small Batch Manufacturer. By registering, you get relief from <u>certain third-party testing requirements</u>. To register as a Small Batch Manufacturer, you must satisfy the following two criteria:

- 1. Your total gross revenue from the previous calendar year from the sales of all consumer products of each entity you control, are controlled by, or are under common control with, is \$1 million or less.
- 2. You manufactured no more than 7,500 units of the product that qualifies your company for Small Batch Manufacturer registration. You understand that your registration is only effective for those products where no more than 7,500 units of the same product were manufactured in the previous calendar year.

You must register as a Small Batch Manufacturer every year to qualify for this testing relief.

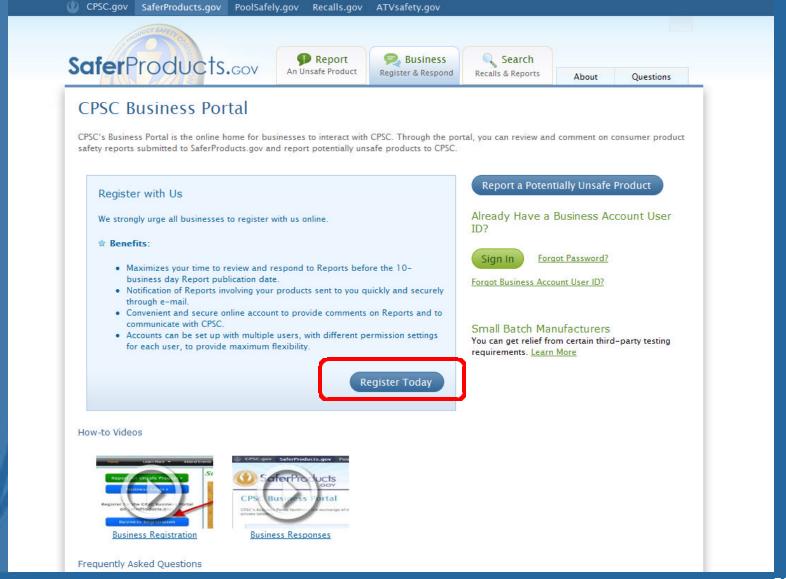
#### Here are the steps:

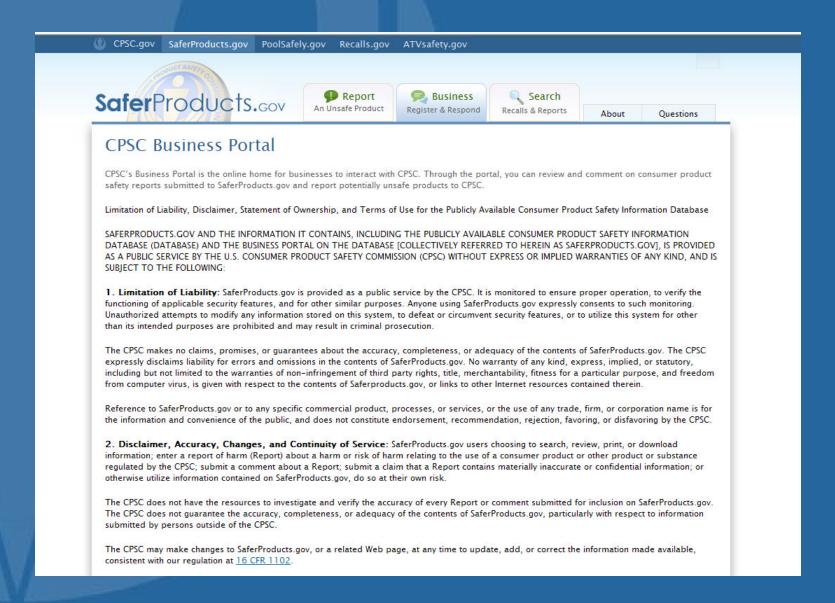
- 1. First, you must register your business on the <u>Business Portal of SaferProducts.gov</u>. If you are already registered, and have set your Business Portal password, skip to step 3.
- 2. Once you register with the Business Portal, you will receive an e-mail letting you know that CPSC has received your registration. CPSC will then notify you when your registration has been approved. You can then set your Business Portal password.
- 3. Sign into the Business Portal on SaferProducts.gov.
- 4. To complete the process and identify yourself as a Small Batch Manufacturer, click on "Small Batch Manufacturers" in the top navigation bar.
- 5. You must check to affirm all three statements on the Small Batch Manufacturer's registration page to register online.
- 6. Click Submit. You will receive an e-mail with your Small Batch Manufacturer registration number.

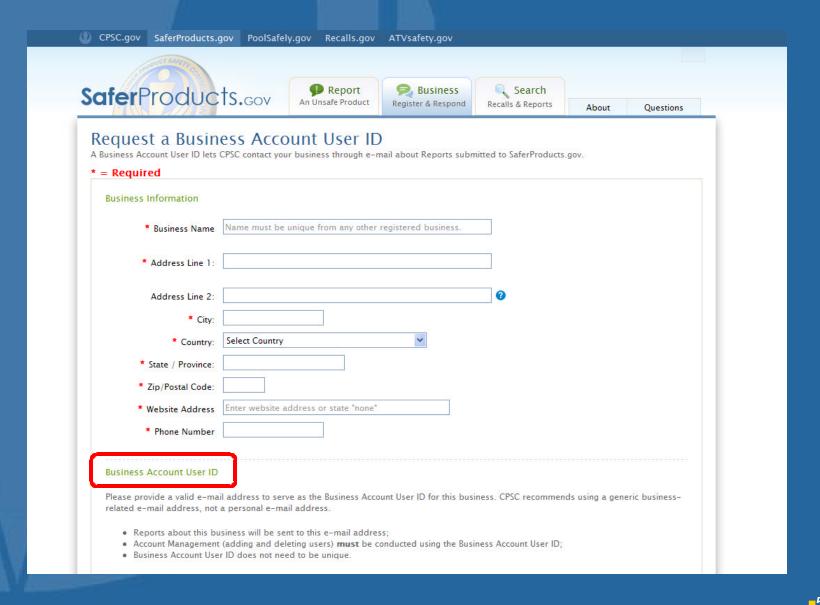
Register with the Business Portal

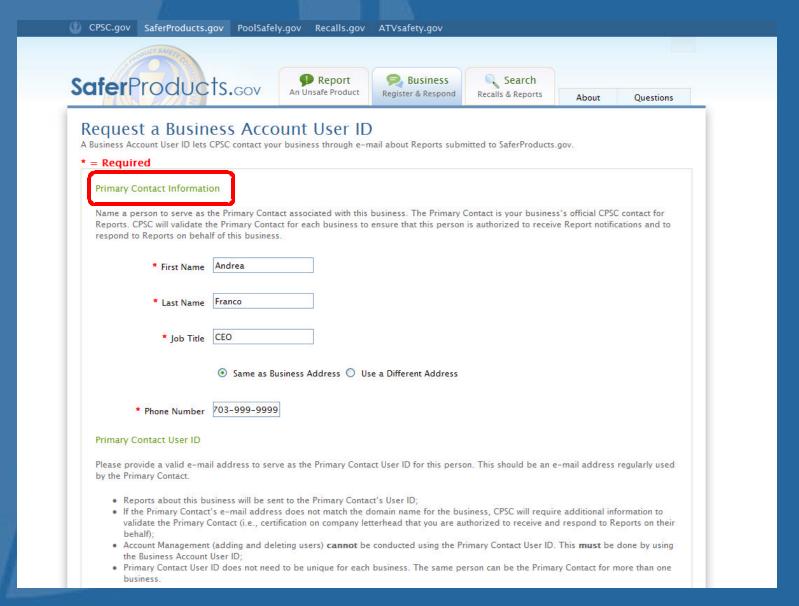
Sign into the Business Portal

#### Small Batch Manufacturer Registration Request SaferProducts.gov

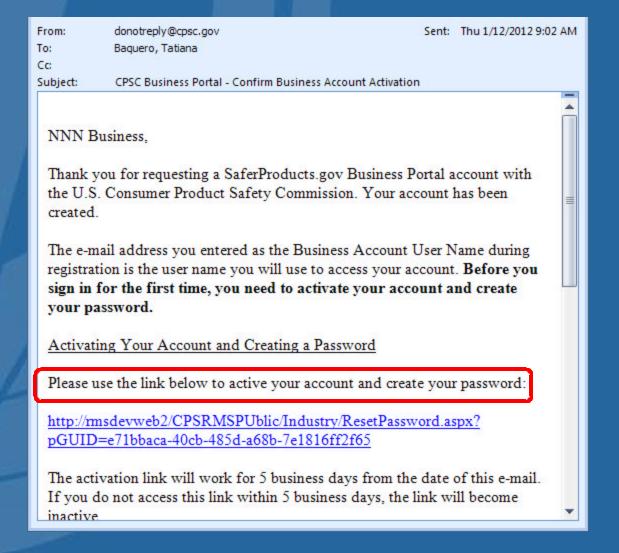






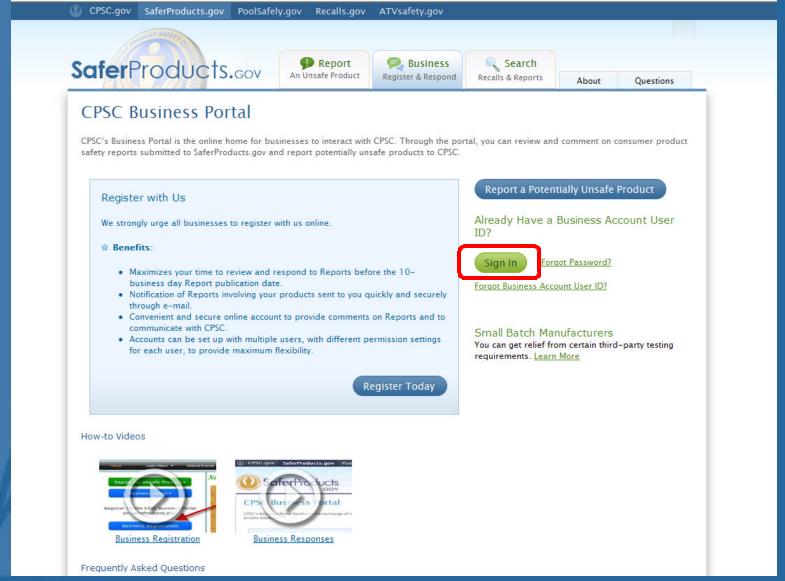


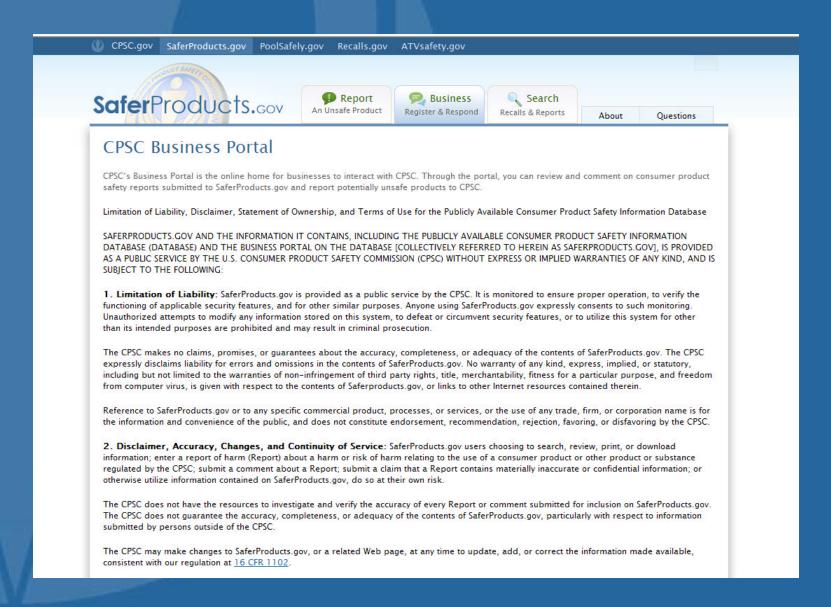


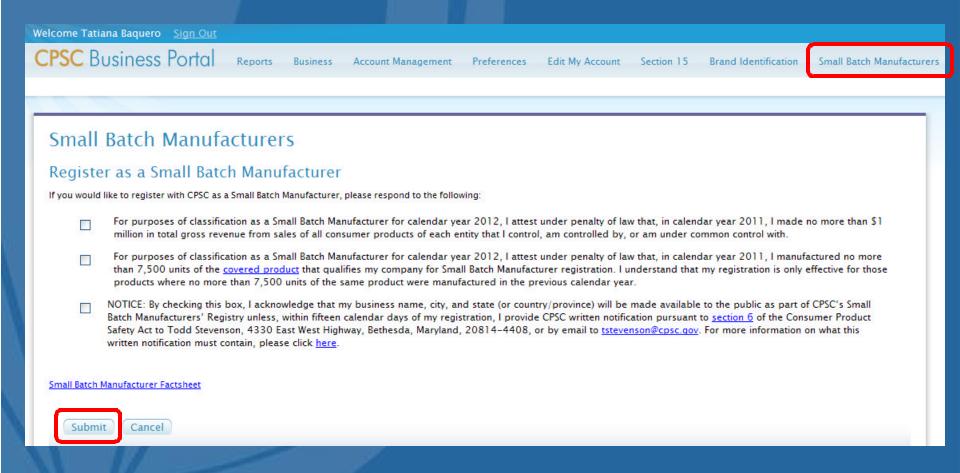


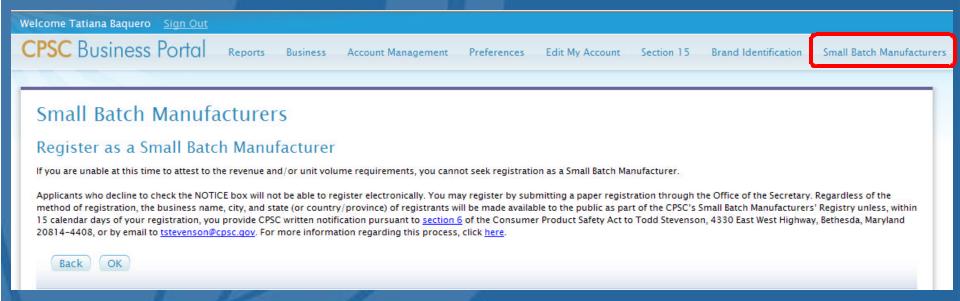
Additional verification may be required if your business name doesn't match your e-mail domain name.

Provide a signed statement, preferably – but not required – on company letterhead, with your name, job title, address, telephone number, email address; and certifying that (a) your company is a manufacturer, importer, or private labeler of a consumer product or other substance over which the CPSC has jurisdiction, and (b) you are authorized to receive and comment on Reports on behalf of the company.

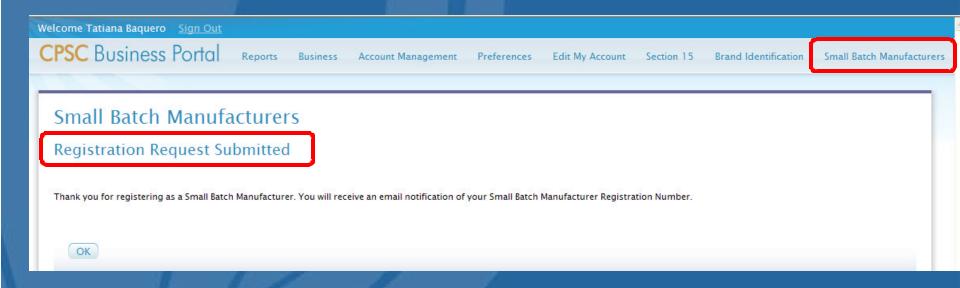








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**Note**: This message is displayed if all three checkboxes from the previous screen are checked.

From: donotreply@cpsc.gov Sent: Thu 1/12/2012 9:51 AM Baquero, Tatiana To: Cc: Subject: Small Batch Manufacturer Registration Acceptance from CPSC NNN Business. The U.S. Consumer Product Safety Commission (CPSC) has accepted the following Small Batch Manufacturer Registration Request for your company. This registration is valid until December 31, 2012. Small Batch Manufacturer Registration Number: 016389-012012 This number should be used in your certificate of compliance to identify those products that are considered covered products. Click here for more information If you have questions, please e-mail clearinghouse@cpsc.gov, or call (301) 504-7921. Thank you, U.S. Consumer Product Safety Commission This is an automated message. Do not reply to this e-mail address.

Welcome Tatiana Baquero Sign Out

**CPSC** Business Portal

Account Management

Preferences

Edit My Account

Section 15

Brand Identification

Small Batch Manufacturers

#### **Small Batch Manufacturers**

Your Company's SBM Registration Number for 2012 is 016389-012012

#### Confirmation/Attestation

For purposes of classification as a Small Batch Manufacturer for calendar year 2012, I attest under penalty of law that, in calendar year 2011, I - Yes made no more than \$1 million in total gross revenue from sales of all consumer products of each entity that I control, am controlled by, or am under common control with.

- Yes For purposes of classification as a Small Batch Manufacturer for calendar year 2012, I attest under penalty of law that, in calendar year 2011, I manufactured no more than 7,500 units of the covered product that qualifies my company for Small Batch Manufacturer registration. I understand that my registration is only effective for those products where no more than 7,500 units of the same product were manufactured in the previous calendar year.

NOTICE: By checking this box, I acknowledge that my business name, city, and state (or country/province) will be made available to the public as - Yes part of CPSC's Small Batch Manufacturers' Registry unless, within fifteen calendar days of my registration, I provide CPSC written notification pursuant to section 6 of the Consumer Product Safety Act to Todd Stevenson, 4330 East West Highway, Bethesda, Maryland, 20814-4408, or by email to tstevenson@cpsc.gov. For more information on what this written notification must contain, please click here.

Click here if you want to change the answers to these questions.

CPSC.gov SaferProducts.gov PoolSafely.gov Recalls.gov ATVsafety.gov Log In SaferProducts.gov Report Business Search An Unsafe Product Register & Respond Recalls & Reports About Ouestions Small Batch Manufacturers Registered with CPSC for 2012 The companies in the Small Batch Manufacturers' Registry have attested that: 1) in calendar year 2011, they made no more than \$1 million in total gross revenue from sales of all consumer products of each entity they control, are controlled by, or are under common control with, and 2) in calendar year 2011, they manufactured no more than 7,500 units of the covered product that qualifies their company for Small Batch Manufacturer registration, understanding that their registration is only effective for those products where no more than 7,500 units of the same product were manufactured in the previous calendar year. Registration in the Small Batch Manufacturers' Registry means that only covered products manufactured by the registered firm do not have to be third party tested. Registration does not mean that ALL children's products manufactured by a registered company have not been third party tested. Regardless of whether a company is registered in the Small Batch Manufacturers' Registry, all manufacturers still must comply with the underlying requirements of all applicable children's product safety rules. CPSC maintains a public list of registered Small Batch Manufacturers which can be accessed by clicking on the link below. Small Batch Manufacturers Registered with CPSC for 2012 PHONE: 800-638-2772 | TTY: 301-595-7054 | CONTACT US ONLINE | TERMS OF USE | PRIVACY | NO FEAR | OPEN GOVERNMENT CPSC does not guarantee the accuracy, completeness, or adequacy of the contents of the Publicly Available Consumer Product Safety Information Database on SaferProducts.gov, particularly with respect to information submitted by people

outside of CPSC.

#### Resources

- www.cpsc.gov/smallbatch
- <u>www.SaferProducts.gov</u>
- www.cpsc.gov/3PT
- www.cpsc.gov/labsearch

Additional resources (e.g., lead, phthalates, small parts) may be found at: <a href="www.cpsc.gov/sbo">www.cpsc.gov/sbo</a>

#### For More Information:

#### Neal S. Cohen

Small Business Ombudsman
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Business Ombudsman

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www.cpsc.gov/sbo



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